

SENATE, No. 3249

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 16, 2024

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Senator Steinhardt

SYNOPSIS

Establishes additional manner of employer compliance to provide earned sick leave for certain employees subject to collective bargaining agreements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/6/2024)

1 AN ACT concerning earned sick leave and amending P.L.2018, c.10.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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6 1. Section 2 of P.L.2018, c.10 (C.34:11D-2) is amended to read
7 as follows:

8 2. a. Each employer shall provide earned sick leave to each
9 employee working for the employer in the State. For every 30
10 hours worked, the employee shall accrue one hour of earned sick
11 leave, except that an employer may provide an employee with the
12 full complement of earned sick leave for a benefit year, as required
13 under this section, on the first day of each benefit year in
14 accordance with subsection c. or subsection d. of section 3 of **[this**
15 **act]** P.L.2018, c.10 (C.34:11D-3). The employer shall not be
16 required to permit the employee to accrue or use in any benefit year,
17 or carry forward from one benefit year to the next, more than 40
18 hours of earned sick leave. Unless the employee has accrued earned
19 sick leave prior to the effective date of **[this act]** P.L.2018, c.10
20 (C.34:11D-1 et seq.), the earned sick leave shall begin to accrue on
21 the effective date of **[this act]** P.L.2018, c.10 (C.34:11D-1 et seq.)
22 for any employee who is hired and commences employment before
23 the effective date of **[this act]** P.L.2018, c.10 (C.34:11D-1 et seq.)
24 and the employee shall be eligible to use the earned sick leave
25 beginning on the 120th calendar day after the employee commences
26 employment, and if the employment commences after the effective
27 date of **[this act]** P.L.2018, c.10 (C.34:11D-1 et seq.), the earned
28 sick leave shall begin to accrue upon the date that employment
29 commences and the employee shall be eligible to use the earned
30 sick leave beginning on the 120th calendar day after the employee
31 commences employment, unless the employer agrees to an earlier
32 date. The employee may subsequently use earned sick leave as
33 soon as it is accrued.

34 b. (1) An employer shall be in compliance with this section if
35 the employer offers paid time off, which is fully paid and shall
36 include, but is not limited to personal days, vacation days, and sick
37 days, and may be used for the purposes of section 3 of **[this act]**
38 P.L.2018, c.10 (C.34:11D-3) in the manner provided by **[this act]**
39 P.L.2018, c.10 (C.34:11D-1 et seq.), and is accrued at a rate equal
40 to or greater than the rate described in this section.

41 (2) An employer shall be in compliance with this section if the
42 employer offers paid time off, of any kind, including but not limited
43 to, personal days, vacation days, and sick days, of 40 or more hours
44 per benefit year, to employees who are under contract pursuant to a
45 collective bargaining agreement, and which may be used for those

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 purposes provided for in an employee's collective bargaining
2 agreement. The provisions of this paragraph shall be retroactive to
3 the effective date of P.L.2018, c.10 (C.34:11D-1 et seq.).

4 c. The employer shall pay the employee for earned sick leave
5 at the same rate of pay with the same benefits as the employee
6 normally earns, except that the pay rate shall not be less than the
7 minimum wage required for the employee pursuant to section 5 of
8 P.L.1966, c.113 (C.34:11-56a4).

9 d. Upon the mutual consent of the employee and employer, an
10 employee may voluntarily choose to work additional hours or shifts
11 during the same or following pay period, in lieu of hours or shifts
12 missed, but shall not be required to work additional hours or shifts
13 or use accrued earned sick leave. An employer may not require, as
14 a condition of an employee's using earned sick leave, that the
15 employee search for or find a replacement worker to cover the
16 hours during which the employee is using earned sick leave.

17 e. If an employee is transferred to a separate division, entity, or
18 location, but remains employed by the same employer, then the
19 employee shall be entitled to all earned sick leave accrued at the
20 prior division, entity, or location, and shall be entitled to use the
21 accrued earned sick leave as provided in this act. If an employee is
22 terminated, laid off, furloughed, or otherwise separated from
23 employment with the employer, any unused accrued earned sick
24 leave shall be reinstated upon the re-hiring or reinstatement of the
25 employee to that employment, within six months of termination,
26 being laid off or furloughed, or separation, and prior employment
27 with the employer shall be counted towards meeting the eligibility
28 requirements set forth in this section. When a different employer
29 succeeds or takes the place of an existing employer, all employees
30 of the original employer who remain employed by the successor
31 employer are entitled to all of the earned sick leave they accrued
32 when employed by the original employer, and are entitled to use the
33 earned sick leave previously accrued immediately.

34 f. An employer may choose the increments in which its
35 employees may use earned sick leave, provided that the largest
36 increment of earned sick leave that an employee may be required to
37 use for each shift for which earned sick leave is used shall be the
38 number of hours the employee was scheduled to work during that
39 shift.

40 (cf: P.L.2018, c.10, s.2)

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42 2. This act shall take effect immediately and shall apply
43 retroactively to the date of enactment of P.L.2018, c.10 (C.34:11D-
44 1 et seq.).

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STATEMENT

This bill provides that an employer is in compliance with the State's earned sick leave law if the employer offers paid time off, of any kind, including but not limited to, personal days, vacation days, and sick days, of 40 or more hours per benefit year, to employees who are under contract pursuant to a collective bargaining agreement, and which may be used for those purposes provided for in an employee's collective bargaining agreement.

The bill makes this provision apply retroactively to the effective date of P.L.2018, c.10 (C.34:11D-1 et seq.).